

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/941,709
Attorney Docket No. Q66038

REMARKS

Upon entry of the present Amendment, claims 1-25 are all the claims pending in the application. Claims 1-5 are withdrawn from further consideration by the Examiner in view of the Response to Restriction Requirement, filed April 22, 2005, in which group II (claims 6-8) was elected. Claims 6-8 are amended, and new claims 9-25 are added. No new matter is presented

In the Office Action, the Examiner objects to claims 6-8 for informalities. Further, claims 6-8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 5,790,790, hereinafter "Smith") in view of Bobo II, (U.S. Patent No. 5,870,549, hereinafter "Bobo"). The outstanding objections and rejections are addressed below.

Claim Objections

The Examiner objects to claims 6-8 for informalities because the claims allegedly contain grammatical errors. This objection is believed to be moot in view of the amendment of claims 6-8. Accordingly, reconsideration and withdrawal of the objection of claims 6-8 is requested.

Claim Rejections - 35 U.S.C. § 103(a)

As noted above, claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Bobo. Applicant respectfully traverses.

With respect to independent claim 6, Applicant submits that this claim defines a novel method of transferring a message stored in a message service center presenting new features. For instance, electronic mail address of a user is registered and the message service center

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/941,709
Attorney Docket No. Q66038

(MSC) stores at least one message from a calling part that calls a telephone number of the user.

Claim 6 further recites the feature of sending, from the MSC via a network connection, an electronic mail message to the electronic mail address of the user that is registered, wherein the electronic mail message comprises message storage data of the at least one message that is stored including calling party identification data that identifies the calling party.

Notwithstanding the Examiner's rejection, Applicant submits that the combination of Smith in view of Bobo fails to teach or suggest all the limitations of claim 6. For instance, Smith teaches an "electronic document delivery system" in which a document is forwarded to a remote server and the server sends a "generic notification" of the document to an intended recipient, whereby the intended recipient can download the document from the server using local protocols. *See* Smith at col. 2, lines 21-26.

However, the electronic document delivery system of Smith fails to suggest *at least* the feature of storing a message from a calling party that calls a telephone number of the user, as claimed. In this regard, Applicant notes that Smith merely teaches that electronic documents are uploaded to a server from a first user and the server then notifies a second user, or the intended recipient, that the electronic documents have been uploaded, thereby allowing the second user to retrieve the uploaded documents from the server after receiving the notification. *See* Smith at col. 7, line 21 - col. 8, line 54. Thus, Smith's document delivery system does not teach any storage of messages from a calling party. Rather, Smith simply provides a system for notifying a user that a document has been uploaded to a server.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/941,709
Attorney Docket No. Q66038

Moreover, the document uploading and notification taught by Smith fails to suggest the features of sending an electronic mail message to the electronic mail address of the user which comprises message storage data of at least one message that is stored including calling party identification that identifies the calling party, as claimed. Rather, as discussed above, Smith teaches uploading documents to a server and then sending notification of the document upload to the intended recipient. As a consequence, Smith does not suggest calling party identification that identifies a calling party, which as recited, calls a telephone number of the user, and therefore fails to suggest the feature of sending of the electronic mail message, as recited in claim 6.

Further, Applicant submits that the teaching of Bobo, even assuming for the sake of argument the Examiner's asserted motivation is proper, fails to compensate for the deficiencies of Smith. For instance, Bobo teaches a message storage and delivery system that allows a user to retrieve messages, such as facsimile messages, voice messages or data messages by accessing a web page over the internet. *See Bobo at col. 7, lines 40-61.* As taught by Bobo, the user accesses a "mailbox" at the webpage with an internet browser and retrieves the messages stored at the message storage and delivery system (MSDS) website. *See Bobo at col. 8, lines 9-46.* However, Bobo's message storage and delivery system fails to teach at least the feature of sending an electronic mail message, as claimed, which comprises message storage data including calling party identification data.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/941,709
Attorney Docket No. Q66038

Therefore, the combination of Smith in view of Bobo fails to teach or suggest all the features of claim 6. Accordingly, reconsideration and withdrawal of the rejection of claim 6 is requested.

With respect to independent claims 7 and 8, Applicant submits that the above arguments are equally applicable to these claims, which recite features in common with claim 6. Further, claims 7 and 8 additionally recite the features of registering transfer service class data that indicates a format of messages to be sent to the user, wherein the transfer service class data indicates one of a combination of audio and text, either one of audio and text, and a combination of video together with either one of audio and text and sending an electronic mail message to the electronic mail address of the user that is registered according to the format indicated by the transfer service class data. Neither the document delivery system of Smith nor the web-based mailbox of Bobo, whether taken alone or in combination, reasonably teaches or suggest these additional features of claims 7 and 8.

Therefore, independent claims 7 and 8 are believed to be allowable. Further, Applicant submits that new claims 9-25 are allowable *at least* by virtue of depending from claims 6-8, respectively, and allowance of claims 6-25 is therefore requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/941,709
Attorney Docket No. Q66038

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian K. Shelton
Registration No. 50,245

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 21, 2005

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. 571-273-8300 on December 21, 2005.



Brian K. Shelton
Registration No. 50,245